

**Minutes of Special and Regular Meeting of May 9, 2006**

**SPECIAL MEETING**

**CLOSED SESSION - 6:55 P.M.**

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9,  
Anticipated Litigation: One Case

Attended by Councilmembers Feierbach, Dickenson, Lieberman, Mathewson, Interim City Manager Cassingham, City Attorney Zafferano. Councilmember Warden was absent. City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:15 P.M., this special meeting was adjourned.

Terri Cook

City Clerk

Meeting not tape recorded or videotaped.

**REGULAR MEETING**

**CALL TO ORDER 7:30 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Dickenson, Warden, Mathewson

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Cassingham, City Attorney Zafferano, Community Development

Director de Melo, Public Works Director Davis, Police Chief Mattei, Finance Director Fil, City Clerk Cook.

### **REPORT FROM CLOSED SESSION**

Mayor Mathewson stated that direction was given but no action taken on the closed session held earlier.

### **PUBLIC COMMENTS AND ANNOUNCEMENTS**

Joan Peceimer, Friends of the Belmont Library, stated that the new library is now open for business. She announced an upcoming speaker at the library on May 15. She reminded patrons that drinks are allowed only on the tile floor area of the library. She encouraged membership with Friends of the Belmont Library.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Dickenson announced that a copy of the Metropolitan Transportation Commission's annual report would be available for review in the City Clerk's office.

Councilmember Warden noted that 5,000 items were checked out of the library on opening day. He encouraged people to visit the new library.

Mayor Mathewson commented regarding the dedication ceremony for the new library. He noted that he attended a ribbon cutting for two new businesses in town: Edible Arrangements and Dream Dinners. He noted the annual Farmer's Market was now open on Sundays at the Cal Train station. He commended Police Captain Ed Woodfor being the recipient of Notre Dame de Namur's Community Service Award at this year's graduation ceremony.

### **CONSENT CALENDAR**

**Approval of** Minutes of the Regular Meeting of March 14, 2006.

**Acceptance of** Written Communications: 1) Dated April 21, 2006, from the California Regional Water Quality Control Board, Notice of Hearing re Amendments to the Water Quality Control Plan for the SF Bay Basin

**Approval of** 2006-2007 Council Priority Calendar and 2006-2007 Citywide Priorities

## Senior Mobility Study Report

**Approval of** Resolution 9775 Approving a Memorandum of Understanding Agreement Between the City of Belmont and the City of Daly City for the "Avoid the 23" Traffic Safety Grant

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, the Consent Agenda was unanimously approved by a show of hands.

## **HEARINGS**

### **Public Hearing to Introduce Ordinance Repealing Belmont Municipal Code Sections 16-1 to 16-9, and 17-1 to 17-6 Relating to Parks and Recreation Commission and Planning Commission**

City Attorney Zafferano stated that when Municipal Code Chapter 2 was revised in 2002, sections of Chapters 16 and 17 should have been repealed, as provisions contained in those sections relating to the Parks and Recreation and the Planning Commission were moved into Chapter 2.

Mayor Mathewson opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Dickenson, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Dickenson, and unanimously approved by a show of hands to introduce an ordinance Repealing Belmont Municipal Code Sections 16-1 to 16-9, and 17-1 to 17-6 Relating to Parks and Recreation Commission and Planning Commission, to waive further reading, and set the second reading and adoption for May 23, 2006.

### **Continued Public Hearing to consider an Ordinance amending Article VIII, Section 15-100 et seq., of the Belmont Municipal Code (Noise Ordinance & Construction Activity), continued from March 14, 2006**

Community Development Director de Melo requested continuance of this Public Hearing so staff could further evaluate the affect on conditional use permits, and to consolidate other issues.

Mayor Mathewson reopened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, by a show of hands the Public Hearing was unanimously continued to June 27, 2006.

### **NEW BUSINESS**

#### **Resolution Approving and Authorizing Execution of the Funding Agreement with the City of San Mateo for Traffic Mitigation Purposes at Ralston Avenue and El Camino Real in Belmont in an Amount not to Exceed \$250,000**

Public Works Director Davis provided a brief review of the Bay Meadows project in San Mateo. He noted that the City of San Mateo has executed a funding agreement to provide \$250,000 in traffic mitigation monies for the City of Belmont.

In response to Council questions, Public Works Director Davis clarified that the six percent increase in traffic at Ralston and El Camino noted in the traffic study included a combination of several pending projects along the El Camino Real corridor, and that the model looked ahead 15 years. The study's modeling showed no adverse affect of traffic along Old County Road, but clarified that the City of Belmont sent a letter in response, disagreeing with this assertion. He stated the scope of the development was reduced as a result of several letters received in response to a variety of issues addressed in the Environmental Impact Report (EIR). He clarified that the developer's fair share of payment for the traffic impact was calculated to be lower than the \$250,000 now being offered. Bay Meadows Land Corporation (BMLC) is ultimately responsible for payment. All the environmental documents have been approved.

City Attorney Zafferano clarified there is no pending litigation between the City of San Mateo and the City of Belmont.

**Linda Lara**, San Mateo resident, urged the Council to vote no, or to delay taking action on this resolution. She noted that the Bay Meadows Land Corporation has tried to stop citizens from having a voice in this project. She commented that \$250,000 is not equitable for the impact of traffic in Belmont.

**Linda Shinkel**, San Mateo resident, stated there are several lawsuits pending regarding this project. Friends of Bay Meadows is attempting to restore signatures that were rejected in the referendum

process, and are hoping to have a referendum vote in November. She encouraged the Council to delay voting on this resolution to allow San Mateo residents the opportunity to have a say. She noted that as of March of 2006, BMLC has spent \$1.2 million to fight the referendum. It hopes to make \$1 billion over the life of the project. This will have a long-term impact on Belmont.

Councilmember Feierbach stated she supported the referendum process. She is not willing to accept \$250,000. This development will have a significant impact in the Sterling Downs neighborhood.

In response to Councilmember Dickenson's question regarding any recourse now that the EIR has been accepted, City Attorney Zafferano commented that there is no pending litigation between the two cities.

Councilmember Warden stated this is an issue of one city accepting another city's traffic problems. Accepting the money could be considered tacit approval of the project, and he is not willing to do so. The citizens of San Mateo should have a say on this development. He appreciates the good-will attempt with the offer of \$250,000, but he would prefer to delay any decision on the resolution for at least 60 days.

Public Works Director Davis clarified there is no time sensitivity on receipt of these monies.

Councilmember Lieberman stated he does not want to give up \$250,000, but if there is no downside to waiting, he concurs to delay a decision on this matter.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Warden, and unanimously approved by a show of hands to continue consideration of the resolution until after a referendum election, or a decision is made that there will not be a referendum election.

**Consideration of a Motion calling for a Public Hearing to review Planning Commission action from April 18, 2006, Public Hearing regarding Conditional Use Permit (McDonald's), pursuant to Municipal Code Section 1-11.**

Community Development Director de Melo reviewed the Planning Commission review and approval of this Conditional Use Permit (CUP). He stated that Mayor Mathewson has requested that Council review this matter, under provisions outlined for such review in the Municipal Code.

Mayor Mathewson stated that currently there are no 24-hour drive-through facilities in Belmont, and expressed concern regarding the precedence this approval may set. This is a security and safety issue.

Councilmember Dickenson noted that there are several 24-hour businesses in Belmont.

**Nadia Holober**, on behalf of McDonald's, stated that they are willing to work with the City and the Police Department regarding safety, which is important.

Councilmember Warden noted that the call-up procedure is not often used, and he supports any councilmember's desire to review an item.

Councilmember Feierbach expressed support in reviewing this matter for safety and precedence.

Community Development Director de Melo noted that staff surveyed McDonald's facilities in the area and found that only one of 17 currently provides 24-hour drive-through service.

Councilmember Lieberman noted McDonald's desire to cooperate, and he expressed his support for a review of this item.

**ACTION:** On a motion by Councilmember Warden, seconded by Councilmember Lieberman, it was unanimously approved by a show of hands to set a Public Hearing for May 23, 2006 to review Planning Commission action from April 18, 2006, Public Hearing regarding Conditional Use Permit (McDonald's), pursuant to Municipal Code Section 1-11.

### **Belmont Police Staffing and Deployment Study**

Police Chief Mattei reviewed the eight areas of responsibility of police staff. He reviewed the organizational culture and beliefs of the department, including Purpose Statement, Values Statement, and Department Philosophy.

Police Chief Mattei noted that due to budget cuts, in 2003 the department lost eight positions, although no programs were eliminated. He reviewed staffing formulas, and clarified that the national average is 2.3 officers per 1,000 residents, the State average is 1.7 per 1,000, the County average is 1.85 per 1,000, and Belmont is currently staffed at 1.0 per 1,000 residents. He showed comparisons with other cities in San Mateo County. He clarified the minimum day and night shift staffing levels. He recommended that staffing levels be restored to pre-2003 levels, and noted that up until now, a strategic plan was lacking in order to accomplish this. He commented that upward mobility within the department is important for retention of staff.

Police Chief Mattei outlined a three-year incremental approach to achieving the pre-2003 staffing levels within the department. He noted that it takes 12-18 months to bring a new officer on staff, and approximately four months for a dispatcher.

Discussion ensued.

In response to Council questions, Police Chief Mattei clarified that it would cost \$750,000 to implement the increased staffing levels all at once, and alternate funding would need to be sought. He noted that reallocation of existing funding would need to occur in order to incrementally increase staffing, and that the department has planned for zero growth for the next fiscal year. Grants and other revenue sources could help.

Councilmember Feierbach commented that the Finance Commission could review this issue. She supports the increase in personnel. Revenue sources for funding the positions need to be addressed.

In response to Council questions, Police Chief Mattei stated that the most critical need is for a dispatcher and a police officer.

Discussion ensued regarding current staffing levels, leaves of absence, and those on light duty.

Councilmember Dickenson stated that action should be taken now as public safety is important.

**ACTION:** Councilmember Warden made a motion, seconded by Councilmember Feierbach, to fund a police officer and a dispatcher for the police department for the fiscal year 2006-07.

In response to Councilmember Dickenson's question regarding retention, Police Chief Mattei stated that a new organizational structure in the police department could provide for upward mobility. He noted that succession planning is important.

Councilmember Lieberman stated that he supports the motion, but also supports Model 2, which would require \$350,000 in funding. He expressed concern regarding finances, but does not want to fund just the minimal number of positions. He recommended delaying the action to have the Finance Commission and staff seek funding options. He supports the long-term plan for seeking funding for additional positions beyond the two that are addressed in the motion.

Councilmember Dickenson stated that the motion funds the two most important positions.

Councilmember Warden stated that funding the two positions makes an immediate commitment to the department. He expressed concern regarding finding the additional funding for Model 2, and a smaller amount may be more achievable.

Mayor Mathewson recommended funding the two positions now and having the Finance Commission review this issue for the long-term.

**ACTION:** On the original motion, amended by Councilmember Warden, seconded by Councilmember Feierbach, to include direction to seek funding for two additional positions, was unanimously approved by a show of hands.

**ADJOURNMENT** at this time, being 9:00 p.m.

**Terri Cook**  
**Belmont CityClerk**



Meeting Tape Recorded and Videotaped  
Audio Recording 636

Minutes approved 06/13/2006